

K. MATUSAKE, Plaintiff in Error
vs.
UNITED STATES OF AMERICA, Defendant in Error

Brief of Defendant in Error

Seattle, Wash.

F. D. MONCKTON,

In the
**United States Circuit Court
of Appeals**
For the Ninth Circuit

No. 4655

K. MATUSAKE,

Plaintiff in Error

vs.

UNITED STATES OF AMERICA,

Defendant in Error

UPON WRIT OF ERROR TO THE UNITED STATES
DISTRICT COURT OF THE WESTERN DISTRICT
OF WASHINGTON, NINTH DIVISION

Brief of Defendant in Error

STATEMENT OF FACTS

The Prohibition office under a search warrant issued against 606 6th Ave., South, searched and seized certain intoxicating liquors. The defendant was apprehended at the time. Upon the trial a

motion was made to suppress the evidence, which was denied, and the only question now raised in the brief of the defendant and the only one raised by Assignment of Errors is the question of the lawfulness of the search and seizure.

ARGUMENT

Defendant in his affidavit on a motion to suppress, stated as follows:

“I understand that the officers found some liquor in two or three rooms, but no liquor was found in any room or place which was under my control.”

In view of the following statement and the evidence showing that the defendant leased the hotel which was above the rooms in which the liquor was found, and alleges that he had nothing to do with the bottling works wherein the liquor was found, no constitutional right of the defendant has been invaded, and therefore, this appeal should be dismissed and the judgment of the lower court affirmed.

Hale v. Henkel, 201 U. S. 43.

Bordeau v. McDonal, 256 U. S. 465.

Remus v. U. S., 268 Fed. 501.

Haywood v. U. S., 287 Fed. 69.

Schwartz v. U. S., 294 Fed. 528.

McDaniel v. U. S., 294 Fed. 769.

Agnello v. U. S., 269 U. S. 20, at page 35.

Respectfully submitted,

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